

Notice of Allowability	Application No.	Applicant(s)	
	10/632,347	MCGRATH, WILLIAM R.	
	Examiner	Art Unit	
	Christopher A. Flory	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 15 May 2007.
2. ☒ The allowed claim(s) is/are 1,2,4,6,7,9,11,12 and 15-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/George Manuel/
George Manuel
Primary Examiner
Art Unit 3762

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 6-8, filed 15 May 2007, with respect to the rejection of claims 1, 2, 4, 6, 7, 9, 11, 12 and 15 under 35 U.S.C. §102(b) as anticipated by Schmidt (US 6,122,537) have been fully considered and are persuasive. The §102(b) rejection of claims 1, 2, 4, 6, 7, 9, 11, 12 and 15 has been withdrawn.

2. Applicant's arguments, see page 6-8, filed 15 May 2007, with respect to the rejection of claims 1, 2, 4, 6, 7, 9, 11, 12 and 15 under 35 U.S.C. §103(a) as unpatentable over Schmidt in view of Rostislavovich et al. (US 6,208,286) or in view of Sharp et al. (US 4,958,638) have been fully considered and are persuasive. The §103(a) rejection of claims 1, 2, 4, 6, 7, 9, 11, 12 and 15 has been withdrawn.

Allowable Subject Matter

3. Claims 1, 2, 4, 6, 7, 9, 11, 12 and 15-18 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The Applicants clarified that the prior art of record analyzes changes in a reflected signal related to gross changes in surface geometry movement of the object only, assuming a constant resistivity of the object. The instant invention, conversely, removes the signal related to surface movement in order to analyze the concurrent signal related to the time dependent electrochemical properties of the object's heart as it relates to the EKG. This feature allows the instant invention to be applied to objects that are in motion, whereas the prior art inventions rely on a stationary subject.

Art Unit: 3762

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Flory whose telephone number is (571) 272-6820. The examiner can normally be reached on M - F 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher A. Flory

23 May 2007

/George Manuel/
George Manuel
Primary Examiner